

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

CALVIN CECIL BOURNE,

Civil No. 08-1314-PK

Petitioner,

O R D E R

v.

BRIAN BELLEQUE,

Respondent.

Patrick J. Ehlers
Assistant Federal Public Defender
101 SW Main Street, Suite 1700
Portland, Oregon 97204

Attorney for Petitioner

John R. Kroger
Attorney General

Kristen E. Boyd
Assistant Attorney General
Oregon Department of Justice
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Salem, Oregon 97301

Attorneys for Respondent

KING, Judge:

The Honorable Paul Papak, United States Magistrate Judge, filed Findings and Recommendation on November 8, 2010. Petitioner filed timely objections to the Findings and Recommendation.

When either party objects to any portion of a magistrate's Findings and Recommendation concerning a dispositive motion or prisoner petition, the district court must make a de novo determination of that portion of the magistrate's report. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982). This court has, therefore, given de novo review of the rulings of Magistrate Judge Papak.

This court ADOPTS the Findings and Recommendation of Magistrate Judge Papak (#44) dated November 8, 2010 in its entirety.

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus (#2) is DENIED. A Certificate of Appealability will not be issued as petitioner has not made a substantial showing of a denial of a constitutional right as required by 28 U.S.C. § 2253(c)(2).

DATED this 6th day of December, 2010.

/s/ Garr M. King

GARR M. KING
United States District Judge